

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/2008 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa A. Kilday and following e-mail on 08/25/2008. The application has been amended as follows:

Claim 5. The method of producing a fine metal powder according to claim 1, characterized in that ~~fine metal powders having an average particle diameter of not more than 400 nm are produced~~, wherein a concentration of the trivalent ions is less than 60%.

Status of Claims

Claims 1-6 are pending in application. This is to acknowledge the receipt of "Rule 132 Declaration" and "Supplemental Response or Supplemental Amendment" filed on 7/29/2008.

Status of the Previous Rejections

The previous rejection of claims 1-5 under 35 U.S.C. 103 (a) over Puetter (DE 3300865, thereafter DE'865) in view of Senda et al (U.S 5435830, thereafter US'830) is withdrawn in view the applicants' arguments/remarks filed 7/29/2008.

The previous rejection of claim 6 under 35 U.S.C. 103 (a) over DE'865 in view of US'830 as applied on claim 1-5 and further in view of Harrison et al (US 5,409,581, thereafter US'581) is withdrawn in view the applicants' arguments/remarks filed 7/29/2008.

Allowable Subject Matter

Claims 1-6 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

The Applicants has clearly shown a relationship between the particle diameter and the existing ratio of the trivalent titanium ions and the tetravalent titanium ions in the "Rule 132 Declaration", which support the Fig.1 of the instant specification. Two set experiments are performed in "Rule 132 Declaration". The results of Experiment 1 confirm that a particle diameter of a produced fine metal powder can be changed according a molar ratio between trivalent titanium and tetravalent titanium ions by

adjusting this ratio. The results of experiment 2 show that a particle diameter of a produced fine metal powder cannot be changed with trivalent titanium ions alone in a reaction system according the method of US'830. The prior arts (DE'865, US'830, and US'581) of record does not disclose or suggest: the producing method of fine metal powder as characterized by subjecting a solution containing tetravalent titanium ions and have a pH of not more than 7 to cathode electrolytic treatment to obtain a reducing agent solution with a predetermined ration of the trivalent titanium ions and the tetravalent titanium ions; adding a water-soluble compound of at least one type of metal element forming the fine metal powder to grow the fine metal powder having a particle diameter corresponding to the existing ratio of the trivalent titanium ions and the tetravalent titanium ions as claimed in the instant claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY

/Roy King/

Supervisory Patent Examiner, Art Unit 1793